

REMARKS

This Reply is filed in response to the non-final Office Action mailed on February 25, 2009.

In the Office Action, the Examiner rejected claims 1, 2, 4, and 5 under 35 U.S.C. § 102(b) as allegedly being anticipated by Lambers (U.S. Patent No. 2,771,346); rejected claim 3 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lambers in view of Spiegel et al. (U.S. Patent No. 3,429,444); rejected claims 6-8, 10, and 11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lambers in view of Petrucci et al. (U.S. Patent No. 4,948,505); and rejected claim 9 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lambers in view of Buttery (U.S. Patent No. 5,290,445).

By this Reply, Applicant has amended claims 6, 9, 10, and 11 to clarify the claimed invention, cancelled claims 1-5 without prejudice or disclaimer, and added new claims 12-15 based substantially on cancelled claims 2-5. Support for these amendments may be found at least on pages 6 and 7 of Applicant's originally-filed specification. No new matter has been added by this Reply. After entry of this Reply, claims 6-15 will remain pending. Of these, claims 6 and 9 are the sole independent claims.

At the outset, Applicant submits that currently amended independent claim 6 now recites a cartridge provided with, among other things, a "device having a hollow body comprising: a first end which is open and connected to the inlet of the cartridge; a second end which is closed; a wall extending from the first end to the second end and being provided with through holes; and one or more ridges arranged longitudinally along

an inside of the wall, wherein said first end is configured to receive a fluid introduced into the cartridge and to allow the fluid to exit the device through the through holes," (emphasis added).

Currently amended independent claim 9 recites a method of manufacturing a cartridge, comprising, among other steps, "arranging of a device on a downstream side of said inlet, said device having a hollow body comprising: a first end which is open and connected to the inlet of the cartridge; a second end which is closed; a wall extending from the first end to the second end and being provided with through holes; and one or more ridges arranged longitudinally along an inside of the wall, wherein said first end is configured to receive a fluid introduced into the cartridge and to allow the fluid to exit the device through the through holes," (emphasis added).

Applicant respectfully submits that the prior art does not teach or suggest the limitations of currently amended independent claims 6 or 9, as will be set forth below.

§102(b) Rejection of Claims 1, 2, 4, and 5

Claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Lambers (U.S. Patent No. 2,771,346).

Applicant respectfully traverses the rejection of claims 1, 2, 4, and 5 as allegedly being anticipated by Lambers. However, in the interest of expediting the prosecution of this application, Applicant has cancelled claims 1-5 without prejudice, disclaimer, or waiver of the right to pursue such subject matter in another application. Accordingly, Applicant submits that the rejections of claims 1, 2, 4, and 5 have been rendered moot by this Reply and should be withdrawn.

§103(a) Rejection of Claim 3

Claim 3 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lambers in view of Spiegel et al.

Applicant respectfully traverses the rejection of claim 3 as allegedly being unpatentable over Lambers in view of Spiegel et al. However, in the interest of expediting the prosecution of this application, Applicant has cancelled claims 1-5 without prejudice, disclaimer, or waiver of the right to pursue such subject matter in another application. Accordingly, Applicant submits that the rejection of claim 3 has been rendered moot by this Reply and should be withdrawn.

§103(a) Rejection of Claims 6-8, 10, and 11

Claims 6-8, 10, and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lambers in view of Petrucci et al. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the Examiner has failed to establish a prima facie case of obviousness because the Examiner has not shown that all of the claimed elements were known in the prior art, and has not clearly articulated the reasons why the claimed invention would have been obvious. As noted in M.P.E.P. § 2142, “[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit,” and “[t]he key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” (Emphasis added.)

The Examiner contends that Lambers discloses "a vessel (10) for containing solids, said vessel (10) being provided with at least one inlet (figure 1:22) for the solvent, and at least one outlet (figure 1:14) for the solution, characterized in being provided with the device (17) that is connected to the outlet (figure 1:17, 21, 16 and 14)." (Office Action, pages 4-5.)

The Examiner admits that Lambers "fails to teach that the device being connected to said inlet" but contends that "Petrucci disclose a water filtering unit (figure 1:14) having an outlet port (figure 1:38) that is connected to an outlet of an apparatus (col.7, lines 24-27) for providing a feed liquid-containing substance having less undissolved solids (col.5, lines 55-60)." (Office Action, page 5). The Examiner's admission that the device of Petrucci et al. is connected to an outlet of an apparatus, as opposed to the inlet of a cartridge, is supported by the specification of Petrucci et al., which discloses:

"an inlet port 36 and an outlet port 38. The inlet port 36 has a threaded opening 40 for receiving an inlet hose as well as a reduced diameter nozzle 42 which communicates into the central chamber 34. Similarly, the outlet port 38 includes a threaded opening 44 to which an outlet hose (not shown) of a vending machine or a similar suitable apparatus can be attached. The outlet port 38 communicates with the central chamber through a top opening (not shown) in the central chamber 34."

Col. 7, lines 19-29; Figures 2 and 4. In other words, the device of Petrucci et al. is simply a filter installed in-line with two fluid hoses, regardless of whether each hose is termed an inlet or outlet hose. Thus, Petrucci et al. fails to teach or even suggest, a "device having a hollow body comprising: a first end which is open and connected to the inlet of the cartridge; a second end which is closed; a wall extending from the first end to

the second end and being provided with through holes; and one or more ridges arranged longitudinally along an inside of the wall, wherein said first end is configured to receive a fluid introduced into the cartridge and to allow the fluid to exit the device through the through holes," as recited in currently amended independent claim 6 (emphasis added).

The Examiner further contends that "[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to provide the inlet of the cartridge in Lambers with the filtration unit in order to provide a feed liquid containing substance having less undissolved solids as explained by Petrucci (co1.5, lines 55-60)." (Office Action, page 5.) Applicant disagrees.

First, because Petrucci et al. fails to teach a device on an inlet of the cartridge, even if the disclosure of Petrucci et al. were combined with Lambers, the combination would not yield a "device having a hollow body comprising: a first end which is open and connected to the inlet of the cartridge; a second end which is closed; a wall extending from the first end to the second end and being provided with through holes; and one or more ridges arranged longitudinally along an inside of the wall, wherein said first end is configured to receive a fluid introduced into the cartridge and to allow the fluid to exit the device through the through holes," as recited in currently amended independent claim 6 (emphasis added).

Moreover, because Lambers discloses a filter unit 17 being connected to the outlet conduit 14, as opposed to the inlet conduit 22 (as admitted by the Examiner), Lambers actually teaches away from the Examiner's proposed combination with Petrucci et al. Lambers also discloses the use of two nozzles 26 and 29, which eject

jets of liquid (Col. 2, lines 15-35) to provide adequate circulation and agitation (Col. 1, lines 31-34), thereby further teaching away from the combination of a device with each of the two nozzles 26 and 29. Finally, Lambers and Petrucci et al. constitute non-analogous art. Lambers is solution dispenser, while Petrucci et al. is simply a fluid filter disposed in-line between two fluid hoses of a vending machine. Therefore, it would not have been obvious to combine the disclosures of Lambers and Petrucci et al. as alleged by the Examiner.

Accordingly, neither Lambers or Petrucci et al., either alone or in combination, discloses, a "device having a hollow body comprising: a first end which is open and connected to the inlet of the cartridge; a second end which is closed; a wall extending from the first end to the second end and being provided with through holes; and one or more ridges arranged longitudinally along an inside of the wall, wherein said first end is configured to receive a fluid introduced into the cartridge and to allow the fluid to exit the device through the through holes," as recited in currently amended independent claim 6 (emphasis added).

Claims 7, 8, and 10-15 depend from claim 6, which is allowable over Lambers and Petrucci et al. for the reasons discussed above. Thus claims 7, 8, and 10-15 are allowable at least due to their dependency upon independent claim 6 and for their additional recitations of novel subject matter.

§103(a) Rejection of Claim 9

Claim 9 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lambers in view of Butterly.

Although of different scope, independent claim 9 is allowable over Lambers and Petrucci et al. for substantially similar reasons as those discussed above with respect to independent claim 6. The Examiner contends that Buttery et al. discloses a water filtering unit that pre-filters the water supply of a dialysis machine. (Office Action, page 8.) However, even if Buttery et al. discloses those features, Buttery et al. fails to cure the deficiencies of Lambers and Petrucci et al. as described above.

Thus, none of the cited references, either alone or in combination, disclose a method of manufacturing a cartridge, comprising, among other steps, "arranging of a device on a downstream side of said inlet, said device having a hollow body comprising: a first end which is open and connected to the inlet of the cartridge; a second end which is closed; a wall extending from the first end to the second end and being provided with through holes; and one or more ridges arranged longitudinally along an inside of the wall, wherein said first end is configured to receive a fluid introduced into the cartridge and to allow the fluid to exit the device through the through holes," as recited in currently amended independent claim 9 (emphasis added). Accordingly, the rejection of claim 9 under 35 U.S.C. § 103(a) should be withdrawn.

Conclusion

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against the pending claims. Applicant therefore requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of pending claims 6-15.

Should it be necessary to resolve any additional concerns and expedite the issuance of a Notice of Allowance, the Examiner is invited to contact Applicant's undersigned representative at (202) 408-4387.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

Dated: May 26, 2009

By: /Aaron L. Parker/

Aaron L. Parker
Reg. No. 50,785